

CUSTOMER NO.: 24498
Serial No.: 10/584,323
Final Office Action dated: 06/02/09
Response to Final OA dated: 08/17/09
Supplemental Response dated: 09/02/09

PATENT
PF040008

Remarks/Arguments

Applicants have reviewed the claims following the recent telephone interview between applicants' attorney and the examiner regarding the above-identified application.

In accordance with the suggestion made by the examiner, applicants have amended claim 1 to clarify that their method detects the orientation of images in a set of images **taken during a session**. The prior art does not teach or suggest this feature. Applicants have also cancelled claim 9.

35 U.S.C. § 102(b) Rejection of Claim 1

Claims 1 and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,077,811 in the name of Onda. In asserting this rejection, the Examiner considers the "set of images" of Onda to include images and characters. Onda's images constitute one subset and the characters constitute another subset of images. Each of the images in the subset of images represents at least one similar object (citing that the characters represent one similar object, e.g., a character in the alphabet).

Onda stores the characters in a database prior to detecting image orientation. Thus, Onda detects the orientation of images containing these characters based on the comparison with the **pre-recorded** characters. Applicants' claimed image orientation method does not rely on pre-recorded characters. Rather, amended claim 1 now recites the feature of choosing a reference image in each set of images from among the set of images taken during the session. Applicants' claimed method represents a complete departure from the teachings of Onda which requires pre-recorded characters and which do not use one of the images of the set of images to detect orientation of the other images. Onda uses the pre-recorded characters for detecting the orientation of a new image. Thus, Onda fails to disclose or suggest the choosing of a reference image in each set of images taken during the same session.

For claim anticipation to occur under 35 U.S.C. §102, all elements of the claim must appear in a single prior art reference (see, e.g., Scripps Clinic & Research Found. V. Genentech Inc., 927 F. 2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed Cir. 1991)). The

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identical invention must be shown in as complete detail is in contained in the claim. (See MPEP 2131). The single prior art reference must disclose all of the elements of the claimed invention functioning in essentially the same manner (see, e.g., Chanklin Corp. v. Springfield Photo Mount Corp., 521 F.2d 609 (1st Cir. 1975). In view of the distinction discussed above, applicant respectfully submits that *Onda* fails to meet these requirements under 35 U.S.C. § 102(b) and therefore cannot anticipate applicants' claimed invention as recited in newly amended claim 1.

Furthermore, applicants assert that *Onda*, taken singly or in combination with any combination of the other of the cited references, fails to disclose or suggest that a *priori* knowledge of the reference image orientation prior to orientation detection of other images, and that the orientation detection of the other images depends on the previously known orientation of this reference image. Therefore, applicants request reconsideration and withdrawal of the rejection of claim 1.

35 U.S.C. § 103(a) Rejection of Claims 2-8

Claims 2 through 8 stand rejected under 35.U.S.C. §103(a) as being unpatentable over *Onda* in view of *Chiba et al* (U.S patent Number 6,744,537). As discussed above, applicants submit that *Onda* fails to teach the method recited in newly amended claim 1 because that reference fails to teach the feature of choosing a reference image in each set of images from among the set of images taken during the session. *Chiba et al.* also clearly fails to teach the feature of choosing a reference image in each set of images from among the set of images taken during the session. Therefore, the combination of *Onda* and *Chiba* would not render obvious applicant' claims 2-8, which ultimately depend from newly amended claim 1. Applicants request reconsideration and withdrawal of the rejection of claims 2-8.

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Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

No fees are believed due with regard to this Amendment. Please charge any fee or credit any overpayment to Deposit Account No. **07-0832**.

Respectfully submitted,
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